

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

JS 6

Case No. CV 12-7919 DSF (CWx)

Date 9/21/12

Title Alex Urban v. Evenflo Co., Inc.

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order REMANDING Case to State Court for Lack of Subject Matter Jurisdiction

This case was removed based on standard diversity jurisdiction. (See Not. of Removal ¶ 1.) However, Defendant fails to establish that the amount in controversy exceeds \$75,000. See Exxon Mobil Corp. v. Allapattah Servs., Inc., 125 S. Ct. 2611, 2615 (2005) (amount in controversy must be exceeded by individual claims of at least one named plaintiff). The complaint is silent as to the amount in controversy. The Notice of Removal merely states that Defendant “has a good faith belief that Plaintiff is seeking damages in an amount greater than the minimum jurisdictional amount of this Court” and lists the various types of relief sought with no attempt to assign a dollar amount. This is insufficient.

The case is REMANDED to the Superior Court of California, County of Ventura.

IT IS SO ORDERED.